

Fill in this information to identify your case:

United States Bankruptcy Court for the:

DISTRICT OF DELAWARE

Case number (if known)

Chapter

11☐ Check if this an amended filing

Official Form 201

Voluntary Petition for Non-Individuals Filing for Bankruptcy

06/22

If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and the case number (if known). For more information, a separate document, *Instructions for Bankruptcy Forms for Non-Individuals*, is available.

1. Debtor's name InVivo Therapeutics Corporation

2. All other names debtor used in the last 8 years

Include any assumed names, trade names and *doing business as* names

3. Debtor's federal Employer Identification Number (EIN) 84-1696670

4. Debtor's address **Principal place of business**

**1500 District Avenue
Burlington, MA 01803**

Number, Street, City, State & ZIP Code

Middlesex
County

Mailing address, if different from principal place of business

P.O. Box, Number, Street, City, State & ZIP Code

Location of principal assets, if different from principal place of business

Number, Street, City, State & ZIP Code

5. Debtor's website (URL) www.invivotherapeutics.com

6. Type of debtor

☒ Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP))

☐ Partnership (excluding LLP)

☐ Other. Specify: _____

Debtor **InVivo Therapeutics Corporation**
Name

Case number (if known)

7. Describe debtor's business**A. Check one:**

- ☐ Health Care Business (as defined in 11 U.S.C. § 101(27A))
- ☐ Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))
- ☐ Railroad (as defined in 11 U.S.C. § 101(44))
- ☐ Stockbroker (as defined in 11 U.S.C. § 101(53A))
- ☐ Commodity Broker (as defined in 11 U.S.C. § 101(6))
- ☐ Clearing Bank (as defined in 11 U.S.C. § 781(3))
- ☒ None of the above

B. Check all that apply

- ☐ Tax-exempt entity (as described in 26 U.S.C. §501)
- ☐ Investment company, including hedge fund or pooled investment vehicle (as defined in 15 U.S.C. §80a-3)
- ☐ Investment advisor (as defined in 15 U.S.C. §80b-2(a)(11))

C. NAICS (North American Industry Classification System) 4-digit code that best describes debtor. See <http://www.uscourts.gov/four-digit-national-association-naics-codes>.

5417**8. Under which chapter of the Bankruptcy Code is the debtor filing?****Check one:**

- ☐ Chapter 7
- ☐ Chapter 9

☒ Chapter 11. **Check all that apply:**

- ☐ The debtor is a small business debtor as defined in 11 U.S.C. § 101(51D), and its aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$3,024,725. If this sub-box is selected, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
- ☐ The debtor is a debtor as defined in 11 U.S.C. § 1182(1), its aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$7,500,000, **and it chooses to proceed under Subchapter V of Chapter 11**. If this sub-box is selected, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return, or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
- ☐ A plan is being filed with this petition.
- ☐ Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).
- ☒ The debtor is required to file periodic reports (for example, 10K and 10Q) with the Securities and Exchange Commission according to § 13 or 15(d) of the Securities Exchange Act of 1934. File the *Attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy under Chapter 11* (Official Form 201A) with this form.
- ☐ The debtor is a shell company as defined in the Securities Exchange Act of 1934 Rule 12b-2.

☐ Chapter 12**9. Were prior bankruptcy cases filed by or against the debtor within the last 8 years?**

- ☒ No.
- ☐ Yes.

If more than 2 cases, attach a separate list.

District	_____	When	_____	Case number	_____
District	_____	When	_____	Case number	_____

Debtor **InVivo Therapeutics Corporation**
Name

Case number (if known)

10. Are any bankruptcy cases pending or being filed by a business partner or an affiliate of the debtor?
- ☐ No
☒ Yes.

List all cases. If more than 1, attach a separate list

Debtor **InVivo Therapeutics Holdings Corp.** Relationship **Affiliate**

District **Delaware** When **2/01/24** Case number, if known

11. Why is the case filed in this district?

Check all that apply:

- ☒ Debtor has had its domicile, principal place of business, or principal assets in this district for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other district.
- ☐ A bankruptcy case concerning debtor's affiliate, general partner, or partnership is pending in this district.

12. Does the debtor own or have possession of any real property or personal property that needs immediate attention?

☒ No

☐ Yes.

Answer below for each property that needs immediate attention. Attach additional sheets if needed.

Why does the property need immediate attention? (Check all that apply.)

- ☐ It poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety.

What is the hazard?

- ☐ It needs to be physically secured or protected from the weather.

- ☐ It includes perishable goods or assets that could quickly deteriorate or lose value without attention (for example, livestock, seasonal goods, meat, dairy, produce, or securities-related assets or other options).

- ☐ Other

Where is the property?

Number, Street, City, State & ZIP Code

Is the property insured?

☐ No

☐ Yes. Insurance agency

Contact name

Phone

Statistical and administrative information

13. Debtor's estimation of available funds

Check one:

- ☒ Funds will be available for distribution to unsecured creditors.
- ☐ After any administrative expenses are paid, no funds will be available to unsecured creditors.

14. Estimated number of creditors

☐ 1-49

☒ 50-99

☐ 100-199

☐ 200-999

☐ 1,000-5,000

☐ 5001-10,000

☐ 10,001-25,000

☐ 25,001-50,000

☐ 50,001-100,000

☐ More than 100,000

15. Estimated Assets

☐ \$0 - \$50,000

☐ \$50,001 - \$100,000

☐ \$100,001 - \$500,000

☐ \$500,001 - \$1 million

☒ \$1,000,001 - \$10 million

☐ \$10,000,001 - \$50 million

☐ \$50,000,001 - \$100 million

☐ \$100,000,001 - \$500 million

☐ \$500,000,001 - \$1 billion

☐ \$1,000,000,001 - \$10 billion

☐ \$10,000,000,001 - \$50 billion

☐ More than \$50 billion

Debtor **InVivo Therapeutics Corporation**
Name

Case number (if known)

16. Estimated liabilities

☐ \$0 - \$50,000

☐ \$50,001 - \$100,000

☐ \$100,001 - \$500,000

☒ \$500,001 - \$1 million

☐ \$1,000,001 - \$10 million

☐ \$10,000,001 - \$50 million

☐ \$50,000,001 - \$100 million

☐ \$100,000,001 - \$500 million

☐ \$500,000,001 - \$1 billion

☐ \$1,000,000,001 - \$10 billion

☐ \$10,000,000,001 - \$50 billion

☐ More than \$50 billion

Debtor **InVivo Therapeutics Corporation**
Name

Case number (if known)

Request for Relief, Declaration, and Signatures**WARNING** -- Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.**17. Declaration and signature
of authorized
representative of debtor**

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

I have been authorized to file this petition on behalf of the debtor.

I have examined the information in this petition and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on **February 1, 2024**
MM / DD / YYYY**X /s/ Richard Christopher**
Signature of authorized representative of debtor

Title **Chief Financial Officer****Richard Christopher**
Printed name**18. Signature of attorney****X /s/ Matthew B. McGuire**
Signature of attorney for debtorDate **February 1, 2024**
MM / DD / YYYY**Matthew B. McGuire**
Printed name**Landis Rath & Cobb LLP**
Firm name**919 Market Street
Suite 1800
Wilmington, DE 19801**

Number, Street, City, State & ZIP Code

Contact phone **(302) 467-4400**Email address **mcguire@lrclaw.com****4366 DE**

Bar number and State

InVivo Therapeutics Corporation

**Authorization for Filing Voluntary Petition Under
Chapter 11 of the Bankruptcy Code and Related Matters**

The undersigned Directors of the Board (the “Board”) of InVivo Therapeutics Corporation, a Delaware corporation (the “Company”), hereby adopt the following resolutions (the “Resolutions”):

WHEREAS, a Special Meeting of the Board was held on January 31, 2024;

WHEREAS, the Board has considered the financial and operational conditions of the Company;

WHEREAS, the Board has reviewed, considered, and received the recommendation of senior management of the Company and the advice of the Company’s professionals and advisors with respect to the options available to the Company, including the possibility of pursuing a restructuring or sale of the Company’s business and assets under chapter 11 of title 11 of the United States Code (as amended or modified, the “Bankruptcy Code”);

NOW, THEREFORE, IT IS HEREBY RESOLVED, that after consideration of the alternatives presented to it and the recommendations of senior management of the Company and the advice of the Company’s professionals and advisors, the Board has determined in its business judgment that it is in the best interest of the Company, its creditors, shareholders, employees, other interested parties and stakeholders that a voluntary petition be filed by the Company under chapter 11 of the Bankruptcy Code in the United States Bankruptcy Court for the District of Delaware and the filing of such petition is authorized hereby; and it is

FURTHER RESOLVED, that the members of the Board and any other officer or person designated and so authorized to act (collectively, the “Authorized Persons”) hereby are, and each of them is, authorized and empowered to (a) execute, verify and file on behalf of the Company all documents necessary or appropriate in connection with the filing of said bankruptcy petition, including, without limitation, all petitions, affidavits, declarations, schedules, statements of financial affairs, lists, motions, applications, pleadings, and other papers or documents in connection with such chapter 11 petition; (b) take and perform any and all actions deemed necessary and proper to obtain such relief as authorized herein and in connection with the Company’s chapter 11 case; (c) appear as necessary at all bankruptcy proceedings on behalf of the Company; and (d) pay all such expenses where necessary or appropriate in order to carry out fully the intent and accomplish the purposes of the resolutions adopted herein; and it is

FURTHER RESOLVED, FURTHER RESOLVED, that the retention Sonoran Capital Advisors, LLC (“Sonoran”) and the execution of any retention agreements, the payment of any retainers, fees or expenses, and the approval of any matters related thereto, be and hereby are ratified, adopted, and approved in all respects as the acts and deeds of the Company and the Authorized Persons are, and each of them hereby is, authorized and directed to immediately upon and after the filing of the bankruptcy case execute and cause to be filed an application for authority to retain Sonoran as the Company’s financial advisor; and it is; and it is

FURTHER RESOLVED, that the retention of Landis Rath & Cobb LLP (“Landis Rath & Cobb”) and the execution of any retention agreements, the payment of any retainers, fees or expenses, and the approval of any matters related thereto, be and hereby are ratified, adopted, and approved in all respects as the acts and deeds of the Company and the Authorized Persons are, and each of them hereby is, authorized and directed to immediately upon and after the filing of the bankruptcy case execute and cause to be filed an application for authority to retain Landis Rath & Cobb as the Company’s restructuring and bankruptcy counsel; and it is

FURTHER RESOLVED, that the retention of Wilmer Cutler Pickering Hale and Dorr LLP (“Wilmer Hale”) and the execution of any retention agreements, the payment of any retainers, fees or expenses, and the approval of any matters related thereto, be and hereby are ratified, adopted, and approved in all respects as the acts and deeds of the Company and the Authorized Persons are, and each of them hereby is, authorized and directed to immediately upon and after the filing of the bankruptcy case execute and cause to be filed an application for authority to retain Wilmer Hale as the Company’s special corporate counsel; and it is

FURTHER RESOLVED, that the retention of SSG Advisors, LLC (“SSG”) and the execution of any retention agreements, the payment of any retainers, fees or expenses, and the approval of any matters related thereto, be and hereby are ratified, adopted, and approved in all respects as the acts and deeds of the Company and the Authorized Persons are, and each of them hereby is, authorized and directed to immediately upon and after the filing of the bankruptcy case execute and cause to be filed an application for authority to retain SSG as the Company’s investment banker; and it is

FURTHER RESOLVED, that the retention of Kurtzman Carson Consultants LLC (“KCC”) and the execution of any retention agreements, the payment of any retainers, fees or expenses, and the approval of any matters related thereto, be and hereby are ratified, adopted, and approved in all respects as the acts and deeds of the Company and the Authorized Persons are, and each of them hereby is, authorized and directed to immediately upon and after the filing of the bankruptcy case execute and cause to be filed an application for authority to retain Stretto as the Company’s notice and claims agent; and it is


FURTHER RESOLVED, that all instruments, agreements, certificates, consents, waivers or other documents heretofore executed and delivered (or caused to be executed and delivered) and all acts lawfully done or actions lawfully taken by the Authorized Persons in connection with the chapter 11 case or any further action to seek relief on behalf of the Company under chapter 11 of the Bankruptcy Code, or in connection with the chapter 11 case, or any matter related thereto, be, and hereby are, adopted, ratified, confirmed and approved in all respects as the acts and deeds of the Company; and it is

FURTHER RESOLVED, that the acts, actions and transactions heretofore taken by the Authorized Persons or the Board in the name of and on behalf of the Company in furtherance of the purpose and intent of any or all of the foregoing resolutions, which acts, actions and transactions would have been approved by the foregoing resolutions except that such acts were taken before the resolutions were adopted, be, and hereby are, ratified, confirmed, and approved in all respects.


IN WITNESS WHEREOF, the undersigned have executed this resolution as of the date first written above.

/s/ 
C. Ann Merrifield, Chair

/s/ 
Richard Toselli, M.D., Director

/s/ 
Christina Morrison, Director

/s/ 
Richard J. Roberts, Ph.D., Director

/s/ 
Robert J. Rosenthal, Ph.D., Director

Official Form 201A (12/15)

[If debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11 of the Bankruptcy Code, this Exhibit "A" shall be completed and attached to the petition.]

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

Chapter 11

INVIVO THERAPEUTICS CORPORATION, *et al.*,¹

Case No. 24-____ (____)

Debtors.

**Attachment to Voluntary Petition for Non-Individuals Filing for
Bankruptcy under Chapter 11**

1. If any of the debtor's securities are registered under Section 12 of the Securities Exchange Act of 1934, the SEC file number is 001-37350.

2. The following financial data is the latest available information and refers to the Debtors' condition on September 30, 2023.

- | | |
|--|-----------------------|
| a. Total assets | <u>\$9,584,000.00</u> |
| b. Total debts (including debts listed in 2.c., below) | <u>\$666,000.00</u> |
| c. Debt securities held by more than 500 holders | |

	Approximate number of holders:
secured <input type="checkbox"/> unsecured <input type="checkbox"/> subordinated <input type="checkbox"/> \$ _____	<u>N/A</u>
secured <input type="checkbox"/> unsecured <input type="checkbox"/> subordinated <input type="checkbox"/> \$ _____	_____
secured <input type="checkbox"/> unsecured <input type="checkbox"/> subordinated <input type="checkbox"/> \$ _____	_____
secured <input type="checkbox"/> unsecured <input type="checkbox"/> subordinated <input type="checkbox"/> \$ _____	_____
secured <input type="checkbox"/> unsecured <input type="checkbox"/> subordinated <input type="checkbox"/> \$ _____	_____

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: InVivo Therapeutics Corporation (6670) and InVivo Therapeutics Holdings Corp. (8166). The Debtors' mailing address is 1500 District Avenue, Burlington, MA 01803.

d. Number of shares of preferred stock	<u>0</u>
e. Number of shares common stock	<u>3,105,466</u>

Comments, if any: There are 2,380,394 warrants outstanding as of February 1, 2024.

3. Brief description of debtor's business: The Debtors are a research and clinical-stage biomaterials and biotechnology company with a focus on treatment of spinal cord injuries.

4. List the names of any person who directly or indirectly owns, controls, or holds, with power to vote, 5% or more of the voting securities of debtor: Brice Foose

Fill in this information to identify the case:Debtor name **InVivo Therapeutics Corporation**United States Bankruptcy Court for the: **DISTRICT OF DELAWARE**

Case number (if known): _____

☐ Check if this is an
amended filing**Official Form 204****Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders****12/15**

A list of creditors holding the 20 largest unsecured claims must be filed in a Chapter 11 or Chapter 9 case. Include claims which the debtor disputes. Do not include claims by any person or entity who is an insider, as defined in 11 U.S.C. § 101(31). Also, do not include claims by secured creditors, unless the unsecured claim resulting from inadequate collateral value places the creditor among the holders of the 20 largest unsecured claims.

Name of creditor and complete mailing address, including zip code	Name, telephone number and email address of creditor contact	Nature of claim (for example, trade debts, bank loans, professional services, and government contracts)	Indicate if claim is contingent, unliquidated, or disputed	Amount of claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
				Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
ARE-MA Region No. 59, LLC One Kendall Square - Bldg 1400 Cambridge, MA 02139	cjakubowski@are.com	Lease		\$54,527.00	\$0.00	\$54,527.00
Nasdaq Office of General Counsel 805 King Farm Boulevard Rockville, MD 20850	ndqbilling@nasdaq.com	Trade Debt		\$49,500.00	\$0.00	\$49,500.00
Thrive 25 Forbes Blvd, Suite 3 Foxboro, MA 02035	BillingDepartment@thrivenetworks.com	Trade Debt		\$18,659.58	\$0.00	\$18,659.58
Say Communications 85 Willow Road Menlo Park, CA 94025	billing@saytechnologies.com	Trade Debt		\$11,703.21	\$0.00	\$11,703.21
Continental Stock Transfer & Trust Co. One State Street Plaza, 30th Floor New York, NY 10004	billing@continentalstock.com	Professional Services		\$3,698.14	\$0.00	\$3,698.14
Solium Capital LLC 58 South River Drive, Suite 401 Tempe, AZ 85281	Billing-MSatWork@MorganStanley.com	Trade Debt		\$2,500.00	\$0.00	\$2,500.00
WCG Clinical, Inc. dba: WCG IRB LLC. 212 Carnegie Center Ste 301 Princeton, NJ 08540	ar@wgcclinical.com	Trade Debt		\$334.00	\$0.00	\$334.00

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

INVIVO THERAPEUTICS CORPORATION, *et al.*,¹

Debtors.

Chapter 11

Case No. 24-____ (____)

(Joint Administration Pending)

**CONSOLIDATED STATEMENT OF CORPORATE OWNERSHIP PURSUANT TO
RULES 1007(a)(1), 1007(a)(3), AND 7007.1 OF THE FEDERAL RULES
OF BANKRUPTCY PROCEDURE**

Pursuant to Rules 1007(a)(1) and 7007.1 of the Federal Rules of Bankruptcy Procedure, the above-captioned debtors and debtors-in-possession (each, a “Debtor”) hereby state as follows:

1. The mailing address of Debtor InVivo Therapeutics Holdings Corp. (“InVivo”) and its subsidiaries is 1500 District Avenue, Burlington, Massachusetts 01803.
2. As of the Petition Date, InVivo has only common outstanding stock and no corporation owns 10% or more of its stock.
3. Debtor InVivo Therapeutics Corporation is a wholly owned subsidiary of InVivo.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: InVivo Therapeutics Corporation (6670) and InVivo Therapeutics Holdings Corp. (8166). The Debtors’ mailing address is 1500 District Avenue, Burlington, MA 01803.

**United States Bankruptcy Court
District of Delaware**

In re **InVivo Therapeutics Corporation**

Debtor(s)

Case No.

Chapter

11

LIST OF EQUITY SECURITY HOLDERS

Following is the list of the Debtor's equity security holders which is prepared in accordance with rule 1007(a)(3) for filing in this Chapter 11 Case

Name and last known address or place of business of holder	Security Class	Number of Securities	Kind of Interest
Akita Partners, LLC 187 Dorado Beach East Attn: Tim Beckett Dorado, PR 00646		163	Warrant
Alberto Berrocales 6618 Stardust LN Orlando, FL 32818		200	Warrant
Alkesh R Patel & Jyoti Patel JT TEN 5749 CAPILANO DR San Jose, CA 95138-2364		1	Common Stock
Alpha Capital Anstalt Lettstrasse 32, 9490 Vaduz Liechtenstein		17,000	Warrant
ALTA PARTNERS LLC 29 Valentines Lane Attn: Steven Cohen Old Brookville, NY 11545		2,110	Warrant
Amiel Kornel 664 ELIZABETH ST San Francisco, CA 94114-3230		1	Common Stock
Andrew H Kaufman 277 PARK AVE New York, NY 10172-0003		1	Common Stock
Andrew Smukler 110 Brooks Bend Princeton, NJ 08540		6,000	Warrant
Ann Merrifield 48 West Cedar Street Boston, MA 02114		146	Warrant
Armistice Capital Master Fund, Ltd. 305 West 72nd Street, Apt 7D Attn: Jay Bautista New York, NY 10023		1,794,425	Warrant

In re: **InVivo Therapeutics Corporation**

Case No. _____

Debtor(s)

LIST OF EQUITY SECURITY HOLDERS
(Continuation Sheet)

Name and last known address or place of business of holder	Security Class	Number of Securities	Kind of Interest
Balance Account for Unexchange Shares of UNX4, UNX3, UNX2, UNX1 New York, NY 10004		277	Common Stock
Beth L Gottshall 9225 INDEPENDENCE WAY Fort Myers, FL 33913-7076		1	Common Stock
Bigger Capital Fund, LP 175 W Carver St Huntington, NY 11743		5,455	Warrant
BJI FINANCIAL GROUP INC 111 Sandalwood Drive Marlboro, NJ 07746		1,120	Warrant
Brian Kirby & Mona Kirby 888 BRIARWOOD RD Newtown Square, PA 19073-2620		1	Common Stock
Brio Capital Master Fund, Ltd. 100 Merrick Rd, Suite 401W Rockville Centre, NY 11570		12,500	Warrant
Brittany Cairns 22 LIBERTY DR UNIT 5L Boston, MA 02210		1	Common Stock
Cede & Co 570 WASHINGTON BLVD Jersey City, NJ 07310-1617		3,105,126	Common Stock
Craft Capital 377 Oak Street, Suite 402 Attn: Richard Rizzuto Re: Alta Partners Garden City, NY 11530		2,173	Warrant
Craft Capital 377 Oak Street, Suite 402 Attn: Richard Rizzuto Re: Cyberbahn Federal Solutions Garden City, NY 11530		480	Warrant

List of equity security holders consists of 13 total page(s)

In re: **InVivo Therapeutics Corporation**

Case No. _____

Debtor(s)

LIST OF EQUITY SECURITY HOLDERS
(Continuation Sheet)

Name and last known address or place of business of holder	Security Class	Number of Securities	Kind of Interest
Craft Capital 377 Oak Street, Suite 402 Attn: Richard Rizzuto Re: First Fire Globalopp Fund LLC Garden City, NY 11530		200	Warrant
Craft Capital 377 Oak Street, Suite 402 Attn: Richard Rizzuto Re: Garfield Samuels Garden City, NY 11530		360	Warrant
Craft Capital 377 Oak Street, Suite 402 Attn: Richard Rizzuto Re: Geisha Alomar Garden City, NY 11530		880	Warrant
Craft Capital 377 Oak Street, Suite 402 Attn: Richard Rizzuto Re: Howard Edelman Garden City, NY 11530		80	Warrant
Craft Capital 377 Oak Street, Suite 402 Attn: Richard Rizzuto Re: IBH Capital Garden City, NY 11530		300	Warrant
Craft Capital 377 Oak Street, Suite 402 Attn: Richard Rizzuto Re: Loren Estad Garden City, NY 11530		400	Warrant
Craft Capital 377 Oak Street, Suite 402 Attn: Richard Rizzuto Re: RBC Julie Zoellin IRA Garden City, NY 11530		640	Warrant
Craft Capital 377 Oak Street, Suite 402 Attn: Richard Rizzuto Re: RBC Matt Fowles Roth IRA Garden City, NY 11530		292	Warrant

List of equity security holders consists of 13 total page(s)

In re: **InVivo Therapeutics Corporation**

Case No. _____

Debtor(s)

LIST OF EQUITY SECURITY HOLDERS
(Continuation Sheet)

Name and last known address or place of business of holder	Security Class	Number of Securities	Kind of Interest
Craft Capital 377 Oak Street, Suite 402 Attn: Richard Rizzuto Re: RBC Thomas J Guerin IRA Garden City, NY 11530		1,208	Warrant
Craft Capital 377 Oak Street, Suite 402 Attn: Richard Rizzuto Re: Robert Bea Garden City, NY 11530		480	Warrant
CVI Investments, Inc. 101 California Street, Suite 3250 c/o Heights Capital Management San Francisco, CA 94111		20,000	Warrant
D Stanley Rubenstein 3900 Montclair Road Birmingham, AL 35213		88	Warrant
DAVID D SHIVELY REV DYNASTIC TRUST 116 Westbluff Ct Bakersfield, CA 93305		50	Warrant
Dawson James 101 North Federal Highway, Suite 600 Re: JJL Capital Corp Boca Raton, FL 33432		127	Warrant
District 2 Capital Fund LP 175 W Carver St Huntington, NY 11743		5,455	Warrant
Douglas P Kaufman 33549 WOODLEIGH RD Cleveland, OH 44124-5264		1	Common Stock
EDWARD J SKLANKA TTEE SUSAN SKLANKA TTEE 82 Goodwin Circle Hartford, CT 06105		80	Warrant
Edward Robinson 2231 W ENTRADA TRAIL UNIT 102 Saint George, UT 84770		1	Common Stock

List of equity security holders consists of 13 total page(s)

In re: **InVivo Therapeutics Corporation**

Case No. _____

Debtor(s)

LIST OF EQUITY SECURITY HOLDERS
(Continuation Sheet)

Name and last known address or place of business of holder	Security Class	Number of Securities	Kind of Interest
GOLDEN VALLEY TAX SERVICES LLC 1193 Live Oak Blvd Yuba, CA 95991		80	Warrant
Gregory Yeadon Mariposa Gibbes Hill Gibbes St Peter, Barbados		192	Warrant
Gustavo Rodrigo III 9710 SW 14th Street Miami, FL 33174		420	Warrant
H.C.Wainwright & Co. 430 Park Avenue Attn: Charles Worthman New York, NY 10022		1,233	Warrant
H.C.Wainwright & Co. 430 Park Avenue Attn: Craig Schwabe New York, NY 10022		4,136	Warrant
H.C.Wainwright & Co. 430 Park Avenue Attn: Mark Viklund New York, NY 10022		19	Warrant
H.C.Wainwright & Co. 430 Park Avenue Attn: Michael Vasinkevich New York, NY 10022		78,950	Warrant
H.C.Wainwright & Co. 430 Park Avenue Attn: Noam Rubinstein New York, NY 10022		54,139	Warrant
HAROLD S GAULT & EVELYN GAULT JTWROS 2549 N MOUNTAIN AVE Claremont, CA 91711-1545		1	Common Stock
HAROLD S GAULT & EVELYN GAULT JTWROS 2549 N MOUNTAIN AVE Claremont, CA 91711-1545		1	Common Stock

List of equity security holders consists of 13 total page(s)

In re: **InVivo Therapeutics Corporation**

Case No. _____

Debtor(s)

LIST OF EQUITY SECURITY HOLDERS
(Continuation Sheet)

Name and last known address or place of business of holder	Security Class	Number of Securities	Kind of Interest
Henry D. Banaszek 2502 Walnut Knob CT Kinwood, TX 77345		400	Warrant
Hudson Bay Master Fund Ltd. 777 Third Avenue, 30th Floor Attn: George Antonopoulos New York, NY 10017		10,910	Warrant
Intracoastal Capital, LLC 245 Palm Trail Delray Beach, FL 33483		34,598	Warrant
James E Bragg 1932 Wellington Road Los Angeles, CA 90016		110	Warrant
James P Kelly 9204 69TH AVE Forest Hills, NY 11375-5818		1	Common Stock
James Ringer 32 RICHARD SOMERS RD Granite Springs, NY 10527-1120		1	Common Stock
John Dowling 50 Holly St Yonkers, NY 10704-2814		1	Common Stock
John F Kelly 9204 69TH AVE Forest Hills, NY 11375-5818		1	Common Stock
John M O'Connor 8434 CORCORAN RD Willow Springs, IL 60480-1666		1	Common Stock
Joseph Gunnar 30 Broad Street, 11th Floor Re: BJI Financial Group New York, NY 10004		520	Warrant
Joseph Gunnar 30 Broad Street, 11th Floor Re: Colpetto Capital LLC New York, NY 10004		280	Warrant

List of equity security holders consists of 13 total page(s)

In re: **InVivo Therapeutics Corporation**

Case No. _____

Debtor(s)

LIST OF EQUITY SECURITY HOLDERS
(Continuation Sheet)

Name and last known address or place of business of holder	Security Class	Number of Securities	Kind of Interest
Joseph Gunnar 30 Broad Street, 11th Floor Re: DOMINION CAPITAL LLC New York, NY 10004		40	Warrant
Joseph Gunnar 30 Broad Street, 11th Floor Re: JJL CAPITAL New York, NY 10004		127	Warrant
Joseph Gunnar 30 Broad Street, 11th Floor Re: JOHN C LOWE New York, NY 10004		4	Warrant
Joseph Gunnar 30 Broad Street, 11th Floor Re: MARIA BECKETT New York, NY 10004		8	Warrant
Joseph Gunnar 30 Broad Street, 11th Floor Re: Matthew M. Bogust New York, NY 10004		180	Warrant
Joseph Gunnar 30 Broad Street, 11th Floor Re: Misthos Investment Group LLC New York, NY 10004		100	Warrant
Joseph Gunnar 30 Broad Street, 11th Floor Re: North Woods Capital New York, NY 10004		200	Warrant
Joseph Gunnar 30 Broad Street, 11th Floor Re: TMB Pacific Global LLC New York, NY 10004		1,000	Warrant
Joyce Fensterstock WESTWOOD PARTNERS 37 PHEASANT HILL RD Weston, CT 06883-2437		1	Common Stock
Katrin Holzhaus 655 COLUMBIA ST, #308 San Diego, CA 92101		1	Common Stock

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LIST OF EQUITY SECURITY HOLDERS
(Continuation Sheet)

Name and last known address or place of business of holder	Security Class	Number of Securities	Kind of Interest
KBB Asset Management 253 West 73, Apt 4C Attn: Steven Segal New York, NY 10023		8,473	Warrant
Kelso Neal 223 PROSPECT ST Lawrence, MA 01841-2831		1	Common Stock
Kevin M. Cartmell 168 Aspen St Floral Park, NY 11001-3432		1	Common Stock
L1 Capital Global Opportunities Master F 135 East 57th Street, Level 23 Attn: Yujie Qiao New York, NY 10022		16,450	Warrant
Lawrence R. Brandon IRA 910 SE 14th Street Deerfield Beach, FL 33441		400	Warrant
Lind Global Macro Fund, LP 444 Madison Avenue, Floor 41 New York, NY 10022		125,520	Warrant
Manish Gupta IRA 858 SW 17th ST Boca Raton, FL 33486		240	Warrant
MARGARET M CARTMELL CUST TIMOTHY R CARTMELL UNDER THE NY UNIF TRANS MIN ACT 168 ASPEN ST Floral Park, NY 11001-3432		1	Common Stock
Margaret M. Cartmell 168 Aspen St Floral Park, NY 11001-3432		1	Common Stock
Matthew M Bogust 2300 Alice Ann Rd Thousand Oaks, CA 91320		200	Warrant
Mayra C. Vazquez Roth IRA 16247 SW 83rd Lane Miami, FL 33193		240	Warrant

List of equity security holders consists of 13 total page(s)

In re: **InVivo Therapeutics Corporation**

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Debtor(s)

LIST OF EQUITY SECURITY HOLDERS
(Continuation Sheet)

Name and last known address or place of business of holder	Security Class	Number of Securities	Kind of Interest
Michael J Turillo Jr 1708 CASEY KEY RD Nokomis, FL 34275-3370		1	Common Stock
NFS LLC CUST ROTH IRA FBO MICHAEL B. STEPHENS 499 WASHINGTON BLVD Jersey City, NJ 07310-1995		1	Common Stock
O C A CONSTRUCTION INC (AN ILLINOIS CORPORATION) 8434 CORCORAN RD Willow Springs, IL 60480-1666		1	Common Stock
ORLANDO E SANTA CRUZ SEP IRA 10831 NW 48th LN Doral, FL 33178		504	Warrant
OTA LLC One Manhattanville Road Attn: Vinny DiGeso Purchase, NY 10577		32,907	Warrant
Patricia Sorbara 14 Wood Hollow Lane Fort Salonga, NY 11768		73	Warrant
Patricia Winter 159 Jennings Road Cold Spring Harbor, NY 11724		876	Warrant
Patrick J. Cox 412 SCENIC OAK DR Moore, SC 29369		1	Common Stock
R.F. Lafferty & Co., Inc. 40 Wall Street, 19th Floor Attn: Operations Re: Ann Totten New York, NY 10005		200	Warrant
R.F. Lafferty & Co., Inc. 40 Wall Street, 19th Floor Attn: Operations Re: Henry Joe New York, NY 10005		300	Warrant

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LIST OF EQUITY SECURITY HOLDERS
(Continuation Sheet)

Name and last known address or place of business of holder	Security Class	Number of Securities	Kind of Interest
R.F. Lafferty & Co., Inc. 40 Wall Street, 19th Floor Attn: Operations Re: John Villano New York, NY 10005		300	Warrant
R.F. Lafferty & Co., Inc. 40 Wall Street, 19th Floor Attn: Operations Re: Robert Heidenreich New York, NY 10005		300	Warrant
R.F. Lafferty & Co., Inc. 40 Wall Street, 19th Floor Attn: Operations Re: Robert Preston B. Family Trust New York, NY 10005		300	Warrant
RALPH SCHLENKER & & DONNA SCHLENKER JTWL 244 Northwoods Road Hanhasset, NY 11030		88	Warrant
RBC CAPITAL MARKETS LLC CUSTODIAN THOMAS 20 Red Oak Lane Cortlandt Manor, NY 10567		1,452	Warrant
RFMF PARTNERS LLC 730 Intracoastal Drive Ft Lauderdale, FL 33304		364	Warrant
Richard Christopher 38 Sunset Rock Road Andover, MA 01810		146	Warrant
Richard Toselli 1052 E Shore Road Jamestown, RI 02835		146	Warrant
Robert B. Baker 87 PONTE VEDRA BLVD Ponte Vedra Beach, FL 32082-1311		2	Common Stock
Robert Cartmell 168 Aspen St Floral Park, NY 11001-3432		1	Common Stock

List of equity security holders consists of 13 total page(s)

In re: **InVivo Therapeutics Corporation**

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Debtor(s)

LIST OF EQUITY SECURITY HOLDERS
(Continuation Sheet)

Name and last known address or place of business of holder	Security Class	Number of Securities	Kind of Interest
Robert Langer 98 Montvale Road Newton Center, MA 02459		3,420	Warrant
S.H.N Financial Investments Ltd. 8 Abba Even Blvd, Entrance B, Floor 4 Attn: Meytal Purvin Herzeliya, Israel 46733-0000		4,300	Warrant
Sabby Volatility Warrant Master Fund Ltd 1000 Wilshire Blvd, Ste 850 ATTN: Client Settlement Wedbush Securiti Los Angeles, CA 90017		99,739	Warrant
Scott F Ansell 2983 Preserve Landing Dr Jacksonville, FL 32226		50	Warrant
Spencer Trask Investment Partners LLC 1700 E PUTNAM AVE STE 306 Old Greenwich, CT 06870-1370		1	Common Stock
ST Neuroscience Partners LLC C/O SPENCER TRASK & CO 1700 E. PUTNAM AVE. STE 306 Old Greenwich, CT 06870-1366		9	Common Stock
STOURBRIDGE INVESTMENTS LLC 700 Summit Road Union, NJ 07083		144	Warrant
SW Financial 2850 North Federal Hwy, 4th Floor Attn: John Orlando Re: Gary Nicolay Lighthouse Point, FL 33064		304	Warrant
SW Financial 2850 North Federal Hwy, 4th Floor Attn: John Orlando Re: Moses Douglas Lighthouse Point, FL 33064		99	Warrant
SW Financial 2850 North Federal Hwy, 4th Floor Attn: John Orlando Re: William Tuberville Lighthouse Point, FL 33064		1,002	Warrant

List of equity security holders consists of 13 total page(s)

In re: **InVivo Therapeutics Corporation**

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Debtor(s)

LIST OF EQUITY SECURITY HOLDERS
(Continuation Sheet)

Name and last known address or place of business of holder	Security Class	Number of Securities	Kind of Interest
TD AMERITRADE CLEARING INC CUST FBO HAROLD S GAULT - IRA ATTN CAGE PO BOX 2226 Omaha, NE 68103-2226		1	Common Stock
The Hewlett Fund LP 100 Merrick Road - Suite 400W Rockville Centre, NY 11570		4,000	Warrant
Thomas Michael Walsh 9 Penobscott Way Andover, MA 01810		100	Warrant
Troy E Jones 2959 GARONA DR Hacienda Heights, CA 91745		1	Common Stock
Vincent G Scott 9196 QUAIL RIDGE LN Park City, UT 84098		1	Common Stock
WARBERG WF IX LP 716 Oak St Attn: Jonathan Blumberg Winnetka, IL 60093		600	Warrant
WAYNE EQUITIES LLC 6737 Pisano Drive Lake Worth, FL 33467		200	Warrant
WENDY S FLATH IRA 7081 PINECREST Park City, UT 84098-5388		1	Common Stock
William M Strawbridge 11 GRACEFUL ELM CT Spring, TX 77381-4832		1	Common Stock
William M Zolleni 4553 Lincoln Road Yuba City, CA 95993		120	Warrant

In re: **InVivo Therapeutics Corporation**

Debtor(s)

Case No. _____

LIST OF EQUITY SECURITY HOLDERS

(Continuation Sheet)

Name and last known address or place of business of holder	Security Class	Number of Securities	Kind of Interest
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DECLARATION UNDER PENALTY OF PERJURY ON BEHALF OF CORPORATION OR PARTNERSHIP

I, the **Chief Financial Officer** of the corporation named as the debtor in this case, declare under penalty of perjury that I have read the foregoing List of Equity Security Holders and that it is true and correct to the best of my information and belief.

Date **February 1, 2024**Signature **/s/ Richard Christopher**
Richard Christopher

Penalty for making a false statement of concealing property: Fine of up to \$500,000 or imprisonment for up to 5 years or both.
18 U.S.C. §§ 152 and 3571.

Fill in this information to identify the case:Debtor name InVivo Therapeutics CorporationUnited States Bankruptcy Court for the: DISTRICT OF DELAWARE

Case number (if known) _____

☐ Check if this is an amended filing

Official Form 202

Declaration Under Penalty of Perjury for Non-Individual Debtors

12/15

An individual who is authorized to act on behalf of a non-individual debtor, such as a corporation or partnership, must sign and submit this form for the schedules of assets and liabilities, any other document that requires a declaration that is not included in the document, and any amendments of those documents. This form must state the individual's position or relationship to the debtor, the identity of the document, and the date. Bankruptcy Rules 1008 and 9011.

WARNING -- Bankruptcy fraud is a serious crime. Making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

Declaration and signature

I am the president, another officer, or an authorized agent of the corporation; a member or an authorized agent of the partnership; or another individual serving as a representative of the debtor in this case.

I have examined the information in the documents checked below and I have a reasonable belief that the information is true and correct:

- ☐ *Schedule A/B: Assets—Real and Personal Property* (Official Form 206A/B)
- ☐ *Schedule D: Creditors Who Have Claims Secured by Property* (Official Form 206D)
- ☐ *Schedule E/F: Creditors Who Have Unsecured Claims* (Official Form 206E/F)
- ☐ *Schedule G: Executory Contracts and Unexpired Leases* (Official Form 206G)
- ☐ *Schedule H: Codebtors* (Official Form 206H)
- ☐ *Summary of Assets and Liabilities for Non-Individuals* (Official Form 206Sum)
- ☐ *Amended Schedule*
- ☒ *Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders* (Official Form 204)
- ☒ Other document that requires a declaration **Consolidated Statement of Corporate Ownership Pursuant to Rules 1007(a)(1), 1007(a)(3), and 7007.1 of the Federal Rules of Bankruptcy Procedure**

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 1, 2024X /s/ Richard Christopher

Signature of individual signing on behalf of debtor

Richard Christopher

Printed name

Chief Financial Officer

Position or relationship to debtor